

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF NEW HAMPSHIRE

KAREN M. WEINHOLD, CHARLES L. WEINHOLD,
AND THE STATE OF NEW HAMPSHIRE,

Plaintiffs,

Docket No. TBD

v.

TRAVELERS INSURANCE COMPANY, INC.,

Defendant.

NOTICE OF REMOVAL

**TO THE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT
OF NEW HAMPSHIRE**

Pursuant to the provisions of 28 U.S.C. §§ 1446, the defendants, The Phoenix Insurance Company, Travelers Property Casualty Company of America, and The Travelers Indemnity Company, incorrectly named as Travelers Insurance Company (collectively, “Travelers”), hereby invokes this Court’s jurisdiction under the provisions of 28 U.S.C. §§ 1332 and 1441(a) and states the following grounds for removal:

1. On or about May 1, 2018, plaintiffs Karen M. Weinhold, Charles L. Weinhold, and the State of New Hampshire (collectively, the “plaintiffs”) filed an action (the “State Court Action”) in Rockingham Superior Court against Travelers, styled and captioned as above and assigned Civil Action No. 218-2018-CV-481. The plaintiffs seek a declaratory judgment with respect to the rights and obligations of the parties under policies of insurance issued by Travelers as the result of an automobile versus pedestrian accident.

2. Travelers received a copy of the complaint in the State Court Action on or about May 1, 2018. True Copies of all pleadings, process, orders, and the complete docket contents in the State Court Action are attached hereto as "Exhibit A".
3. Having been filed within 30 days of receipt of the complaint by Travelers, this Notice of Removal to the United States District Court has been filed in a timely manner pursuant to the provisions of 28 U.S.C. § 1446(b). See Murphy Brothers, Inc. v. Michetti Pipe Stringing, Inc., 526 U.S. 344, 347-48, 119 S. Ct. 1322, 1325 (1999).
4. Jurisdiction exists over this removed action, pursuant to 28 U.S.C. § 1441, because this action could originally have been filed in this Court, pursuant to 28 U.S.C. § 1332(a)(1), on the basis that there is complete diversity of citizenship between the parties and the amount in controversy exceeds \$75,000:
 - a. The Phoenix Insurance Company is a Connecticut corporation with a principal place of business in Hartford, Connecticut, Travelers Property Casualty Company of America is a Connecticut corporation with a principal place of business in Hartford, Connecticut, and The Travelers Indemnity Company is a Connecticut Corporation with a principal place of business in Hartford, Connecticut.
 - b. Based upon the complaint, plaintiffs Karen Weinhold and Charles Weinhold are individuals residing in Hampton, Rockingham County, New Hampshire, and plaintiff the State of New Hampshire is a government entity with an address in Concord, Merrimack County, New Hampshire.
 - c. The plaintiffs' complaint alleges that Travelers is obligated to pay them and/or pay on their behalf sums in excess of \$75,000.

5. Pursuant to 28 U.S.C. §§ 101 and 1441(a), the United States District Court for the District of New Hampshire is the proper forum for removal of the state court action which was commenced in Rockingham County Superior Court.
6. Pursuant to 28 U.S.C. § 1446(d), Travelers will give written notice of this Notice to all plaintiffs and will file a copy of this Notice with the clerk of the Rockingham Superior Court promptly after it has filed this Notice with this Court.
7. Pursuant to 28 U.S.C. § 1447 and Local Rule 81.1(c), Travelers will file or cause to be filed certified or attested copies of the docket sheet and documents filed in this case in the Superior Court with this Court within fourteen (14) days after filing this Notice.

WHEREFORE, Travelers respectfully requests that the action pending in Rockingham Superior Court be removed therefrom to this Court and proceed as an action properly so removed.

Respectfully submitted,

Defendants,
The Phoenix Insurance Company, Travelers
Property Casualty Company of America, and
The Travelers Indemnity Company, improperly
named as Travelers Insurance Company, Inc.

By Its Attorneys,

By /s/ John P. Graceffa
John P. Graceffa, #16234
Morrison Mahoney LLP
jgraceffa@morrisonmahoney.com
250 Summer Street
Boston, MA 02210-1181
Phone: 617-439-7500
Fax: 617-342-4936

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on May 10, 2018.

/s/ John P. Graceffa
John P. Graceffa, #16234